



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 10] नई दिल्ली, शुक्रवार, मार्च 13, 2015/ फाल्गुन 22, 1936 (शक)
No. 10] NEW DELHI, FRIDAY, MARCH 13, 2015/PHALGUNA 22, 1936 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in Rajya Sabha on 13th March, 2015:—

I

BILL NO. 1 OF 2015

A Bill to provide for the prohibition of slaughter of cow and its progeny and other milch animals for consumption of meat or its export or for any other purpose and prevent cruelty and infliction of trauma, pain or suffering on animals and for humane approach towards them through welfare measures and the well being of animals and for matters connected therewith and incidental thereto.

Be it enacted by Parliament in the Sixty-sixth year of the Republic of India as follows:—

1. (1) This Act may be called the Cow and other Milch Animals (Prohibition of Slaughter, Cruelty and other Provisions) Act, 2015.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States and for different provisions of this Act.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "animal" includes all domestic animals such as cow and its progeny, buffalo, goat, sheep, camel, horse etc. and captive animals or performing animals and stray animals;

(b) "appropriate government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(c) "local authority" includes a municipal committee, corporation, council by whatever name called, district board, cantonment board or any authority for the time being entrusted by law with the control and administration of any matters within a specified local area;

(d) "owner" used with reference to an animal includes not only the owner of the animal but also any other person for the time being in possession or custody of the animal whether with or without the consent of the owner;

(e) "performing animal" means an animal which is used at or for the purpose of any entertainment, display, sport, cinematograph film and animal shows like equine events, dog shows, etc.;

(f) "*phooka or doomdev*" includes any process of introducing air or any substance into the female organ of a milch animal with intention of drawing off from the animal any secretion of milk;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "society" means a society established for animal welfare and for the prevention of cruelty, pain or suffering to animals and recognised by the appropriate Government under this Act;

(i) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not to which the general public have access;

(j) "welfare organization" means an animal welfare organization which is registered with and recognised by the appropriate Government.

Prohibition of slaughter of cow and its progeny and other milch animals.

3. (1) Notwithstanding anything contained in any other law for the time being in force or contrary to food habits or religious belief, the slaughter of cow and its progeny and all other milch animals is hereby prohibited in any manner whatsoever.

(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

Duties of persons having charge of animals or otherwise.

4. (1) It shall be the duty of every person having the care or charge of any animal, whether as owner or otherwise, to ensure the welfare and well being of such animal and to prevent the infliction of trauma, pain or suffering upon such animal and in particular shall ensure that the animal in his care or under his charge,—

(a) does not face thirst, hunger and malnutrition;

(b) does not face discomfort due to vagaries of nature and environment;

(c) does not suffer from pain, injury and disease;

(d) is free to express normal behaviour including reproduction of the species; and

(e) is free from fear and distress.

(2) It shall be the duty of the general public not to inflict injury and pain to any animal in any manner whatsoever and bring to the notice of the Board or society or welfare organization about any injured, ill or incurably ill animal in the street for taking care of such animal;

(3) The practice of *phooka* or *doomdev* or by whatever name called and giving injection of octocin or any other medicine to a milch animal for drawing secretion of milk from such animal is hereby prohibited.

(4) Whoever contravenes the provisions of sub-section (3) shall be guilty of an offence under this Act.

5. (I) Whoever,—

Penalty.

(i) Kills or slaughter a cow or its progeny or any other milch animal either for consumption of its meat or to export its meat or for any other purpose including rituals shall be punishable with imprisonment for a term which shall not be less than five years but may extend to ten years and also with fine which may extend to two lakh rupee;

(ii) Beats, kicks, overrides, overdrives, overloads, tortures or otherwise treats any animal so as to subject it to trauma, pain or suffering or employs the animal in any work or labour or for any purpose without adequate rest, food or water or the animal by reason of its age or any disease, infirmity, wound, sore or other cause is unfit to be so employed or wilfully administers any injurious drug or injurious substance to any animal or keeps any animal chained or tethered with a short or heavy chain or cord, or hobbles the legs of the animal or confines in a cage or other receptacle or mutilates an animal in any manner including ear cropping, tail docking, defanging, declawing, branding, piercing in any manner shall be punishable with imprisonment which shall not be less than two years but may extend to five years and also with fine which may extend to rupee one lakh.

(iii) Being the owner of an animal,—

(a) neglects to exercise or cause to be exercised or keeps the animal habitually chained up or in close confinement; or

(b) fails to provide such animal with sufficient food, drinking water or shelter; or

(c) abandons the animal in circumstances which render it likely that it will suffer trauma, pain or suffering by reason of relocation, starvation, thirst, injury or illness; or

(d) wilfully or negligently permits any animal to go at large in any street or permits any diseased or disabled or injured animal to die in any street;

shall be punishable with imprisonment which shall not be less than one year but may extend to three years and also with fine which may extend to fifty thousand rupee;

(iv) Solely with a view to provide entertainment,—

(a) confines or causes to be confined any animal including tying of an animal as a bait so as to make it an object of prey for any other animal; or

(b) incites any animal to fight any other animal or any human being or organizes or participates or acts in the management of animal fighting; or

(c) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting; or

(d) organizes, participates, promotes or in any manner is associated with any sport or activity involving the use of animals where such animals are subjected to cruelty either during the sport or activity itself or while in training;

shall be punishable with imprisonment which shall not be less than three years but may extend to five years and also with fine which may extend to two lakh rupee.

(v) Skins or roasts or kills for superstition or extracts parts of any live animal through a procedure that causes pain and suffering, for the purpose of getting skins, oils or other animal products or dynamites or electrifies stream, river or other waterbody or a fence for catching or killing an animal shall be punishable with imprisonment which shall not be less than two years but may extend to five years and also with fine which may extend to one lakh rupee;

(vi) Performs upon any cow or other milch animal the operation *phooka* or *doomdev* or any other operation including injection of octacin or of any substance to

improve lactation which is injurious to the health or the animal, or permits such operation being performed upon any such animal in his possession or under his control shall be punishable with imprisonment which may extend to one year and also with fine which may extend to fifty thousand rupee.

(2) Nothing in this section shall apply to,—

(a) the dehorning of, nose roping castration of any animal provided it is performed by a Veterinary surgeon in such manner as may be prescribed;

(b) the extermination or destruction of an incurable ill animal in such manner as may be prescribed.

Offences by
Companies.

6. Where an offence against this Act or rules framed thereunder has been committed by a company, every person who, at the time the offence was committed, was incharge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Recognition
of Societies,
Welfare
Organizations
etc.

7. The appropriate Government shall recognize societies, Gaushalas, welfare organization etc. for the treatment and care of animals and work as a bridge between the appropriate Government, local authority and other authorities concerned with the animals in such manner as may be prescribed.

Miscellaneous
provisions.

8. (1) No person shall carry on the business of breeding or selling of any animal other than in the manner prescribed by the rules made under this Act.

(2) No person or institution shall perform an experiment on animals unless permitted by the appropriate Government in such manner as may be prescribed.

(3) Any Police Officer above the rank of head constable or any person authorized by the appropriate Government in this behalf, who has reason to believe that an offence against this Act has been or is being committed in respect of any animal may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest magistrate or by such veterinary officer as may be prescribed, and such Police Officer or authorized person may, while seizing the animal, require the person incharge thereof to accompany it to the place of examination.

(4) The appropriate Government shall, by general or special order, authorise the detention of animals in respect of which offences against this Act have been committed in any Infirmaries, Society, Gaushalas, Animal Welfare Organization, etc. pending its production before a magistrate and the cost of transporting the animal thereto and of the maintenance and treatment at such places shall be payable by the owner of the animal and any amount payable by an owner may be recovered in the same manner as an arrear of land revenue.

(5) Where in any proceedings for an offence against this Act it is established that a person has in his possession, custody or control, an animal which is injured or wounded or mutilated or being experimented upon or which has been killed or has in his possession the skin of an animal or any part of the animal, it shall be presumed that such person has treated the animal with cruelty until the contrary is proved and the burden of proving which shall lie on the accused.

Cognizability
of offences.

9. Notwithstanding anything contained in the Code of Criminal Procedure 1973, an offence under this Act shall be a cognizable offence within the meaning of that code.

2 of 1974.

Act to have
overriding
effect.

10. The provisions of this Act and of any rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

11. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for the time being in force, for any act or omission which constitutes an offence against this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act.

Operation of other laws not barred.

45 of 1860

12. Every person authorized by appropriate Government under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 and no suit, prosecution or other legal proceeding shall lie against him in respect of anything in good faith done or intended to be done under this Act.

Person authorized to be public servant and indemnity provision.

13. The Central Government shall, after due appropriation made by law by Parliament in this behalf, provide requisite funds for carrying out the purposes of this Act.

Central Government to provide funds.

14. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Our Country till recently had the largest number of animals in the world and it is one of the largest producer of milk in the world. But the number of animals is going down rapidly alongwith milch animals. As such there is a mismatch between the production of milk and per capita consumption of milk in the country. Whereas the population of the country is increasing manifold the population of milch animals is on the decline. This mismatch has resulted in short supply of milk and its prices have increased manifold in the recent past making this commodity out of the reach of the poor people and the worst sufferers are children who are not getting milk resulting in their malnutrition. Taking advantage of shortage of milk in the country the unscrupulous and anti social people are producing synthetic milk on a very large scale and endangering the health and the lives of the unsuspecting people. This situation has to be tackled on priority and one way to do this is to impose a blanket ban on the slaughter of milch animals in the country which are slaughtered to consume their meat and also to export the meat to earn foreign exchange at the cost of poor children who are not getting milk essential for their health.

From the ancient times cow is called *Gaumata* and is worshipped particularly by the Hindus in the country. Not only the cows milk is consumed by the people and more so by the children even the cows urine is used for medicinal purposes in various parts of the Country. Its progeny when grows as bull helps the farmers in cultivating their fields and grow cereals for the human consumption and the industry. Cowdung is used to make manure in rural India. Since cow is worshipped there is a long pending demand of most of the Hindus in the country to impose a blanket ban on the slaughter of cows and its progeny in the country. Religious leaders sadhus, saints and various political parties have consistently demanded ban on slaughter of cow and its progeny. Hence, it has become necessary to ban the slaughter of cows and its progeny throughout the country showing respect to the sentiments of majority of the people.

Of late, cruelty against animals in the country has risen manifold. People do not hesitate kicking and inflicting injuries on animals and more so on stray animals. Even the owners of milch animals after extracting their milk leave them to roam on the streets and roads and these hungry animals can be seen searching food in garbage and loitering on the roads causing road accidents in which they too are hurt and wounded. In this Bill various forms of cruelty have been elaborated. Cruelty against animals must be stopped with a heavy hand by imposing tough penalties and fines on the offenders and humane approach should be adopted towards the animals.

Hence, this Bill.

RAJ KUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 13 of the Bill makes it mandatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. It is not possible to quantify the amount at this juncture but if, the Bill is enacted, it will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees ten thousand crore may involve as recurring expenditure per annum.

A sum of rupees twenty five thousand crore may also involve as non recurring expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

II

BILL NO. VII OF 2015

A Bill to provide for the prevention of abuse and exploitation of orphan, vagabond, runaway and other street children by anyone by providing deterrent punishment for the violators and for rehabilitation and other welfare measures to be undertaken by the State for such children who usually subsist on rag picking, begging, shoe polishing, working as potters, performing acrobatics or who are forced to indulge in crimes like stealing, pickpocketing, snatching, smuggling, prostitution and unnatural acts by taking their custody and providing them with shelter, care, protection, education, medical care, vocational training etc., and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Underprivileged, Orphan, Vagabond and other Street Children (Prevention of Abuse Rehabilitation and Welfare) Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Child" means any person who is below the age of eighteen years;

(c) "Fund" means the Underprivileged Street Children Welfare Fund established under section 6;

(d) "Home" means juvenile home established for the children covered under this Act for their boarding, lodging etc. under section 5;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "Street Children" include a child who is orphan or has been abandoned or runaway from home, or vagabond and who subsists on income earned by ragpicking or begging or working as a potter or vendor, or shoe shiner or petty crimes like stealing, pick pocketing, snatching, smuggling drugs or liquor etc. and who lives on a pavement or in a hutment or slum or railway platform or yard or bus stop or such other place or under the open sky.

3. (1) The Central Government shall, as soon as may be, but within one year of the commencement of this Act, formulate a National Policy for the rehabilitation and welfare of the Underprivileged Street Children covered under this Act so as to extend all rights of childhood to enable them to grow as responsible and respected citizens in the society.

National Policy for under privileged Street Children.

(2) Without prejudice to the generality of the foregoing provision, the National Policy referred to in sub-section (1) may include,—

(a) on the basis of the census data or otherwise conducting a survey of the underprivileged street children in the country and taking their custody and provide them boarding, lodging and other requisite facilities in the homes;

(b) provision of educational facilities including higher medical, engineering, information technology education, vocational training and facilities for developing moral values and other skills among the underprivileged street children to make them self reliant;

(c) undertaking such measures including counselling, as may be necessary to discourage the children covered under this Act from returning to their earlier means of subsistence;

(d) nutritious food, medical care, entertainment facilities etc. in the homes;

(e) transport facilities between home and educational institutions, access to libraries, access to games and sports facilities free of cost;

(f) provision of employment through reservation or otherwise for the children covered under this Act after they complete their education or vocational training, as the case may be;

(g) provision of annual grants-in-aid to orphanages and Non-Governmental organisations which are working for the underprivileged street children; and

(h) such other provisions as may be deemed necessary and expedient for carrying out purposes of this Act.

4. It shall be the duty of the appropriate Government to implement the National Policy for Underprivileged Street Children formulated under section 3 of this Act.

Appropriate Government to implement the National policy.

5. The appropriate Government shall establish such number of juvenile homes as it may deem necessary for carrying out the purposes of this Act.

Establishment of Juvenile homes.

6. (1) The Central Government shall, as soon as may be, for the purposes of this Act, by notification in the Official Gazette, establish a Fund to be known as the Underprivileged Street Children Welfare Fund with an initial corpus of rupees twenty thousand crore to be

Establishment of Underprivileged Street Children Welfare Fund.

provided by the Central Government by due appropriation made by Parliament by law in this behalf.

(2) The Fund shall also include,—

(a) contributions made by the Central Government and Governments of the States in such ratio as may be prescribed;

(b) moneys received by way of donation, contribution or assistance from individuals, firms, body corporates, financial institutions of both domestic and foreign ones and organisations etc.

(3) The Fund shall be utilised for the rehabilitation and welfare of the underprivileged street children covered under this Act in such manner as may be prescribed.

Measures to be taken by appropriate Government.

7. The appropriate Government shall,—

(a) maintain a district-wise register of children covered under this Act within its territorial jurisdiction with such particulars and in such manner as may be prescribed;

(b) open such number of schools and colleges as it may deem necessary for carrying out the purposes of this Act for imparting education to the children covered under this Act and provide books, writing materials, uniforms, and other relevant articles free of cost;

(c) take custody of every child covered under this Act in such manner as may be prescribed;

(d) send every child so taken custody of to a home or to a non-governmental organisation certified by the appropriate Government in such manner as may be prescribed;

(e) take such other measures as it may deem necessary and expedient for carrying out the purposes of this Act.

Penalty.

8. Notwithstanding anything contained in any other law for the time being in force, whoever,—

(a) forces any child covered under this Act to beg, commit petty crime like stealing, pickpocketing, snatching, smuggling etc. or rag picking or any act which is injurious to the health of such child shall be punished with rigorous imprisonment for a term which shall not be less than seven years but which may extend to ten years and also with a fine which may extend to five lakh rupees.

(b) sexually exploits any child covered under this Act or forces into prostitution or unnatural act shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to life imprisonment and also with fine which may extend to ten lakh rupees.

(c) Having already been convicted of an offence under this Act or an abetment of such offence is again convicted of any such offence or abetment shall be punished with life imprisonment and also with fine which may extend to ten lakh rupees.

Central Government to provide funds.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Act to have overriding effect.

10. The Provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to supplement other laws.

11. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with any of the matters dealt with in this Act.

Power to make rules.

12. The Central Government may, by notification official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

It is a common sight in Mumbai, National Capital Delhi and other Metropolitan cities and urban areas where early in the morning children of all ages, particularly adolescents can be seen carrying sacks on their backs and collecting waste paper, plastic, metal scrap etc. from dumping pits and public places. These rag pickers collect the waste throughout the day and sell it in the evening to *Kabadiwalla* for their subsistence. Very often these hapless children are forced to do so by anti-social elements or mafias. Similarly, many of such underprivileged street children can be seen begging at road crossings, near religious places, markets, bus stops and other public places. Many a times, they are forced to indulge in petty crimes like stealing, pick pocketing, snatching for their survival owing to their social and financial condition. Such children have been found to be members of certain gangs and of late the street children are being used by hardened criminals even for murders as they knew that there is no jail terms for such juveniles. They are exploited and abused physically by anti-social elements, organized criminal gangs, mafias, etc. Such exploited and abused children become hardened criminals when they grow up.

The girl child in this category is very often sexually exploited and ultimately pushed into prostitution. These hapless underprivileged children fall prey to all kinds of dreaded diseases. They remain illiterate and even two square meals a day is luxury for them. These underprivileged children are in fact the most vulnerable to abuse, exploitation and depravity.

On the contrary, being the future citizens of the country the children should be brought up in a good atmosphere, providing them all requirements of life, good education and a joyful childhood with all care and love. But unfortunately in our Country, there are millions of orphans, abandoned, runaway vagabond and destitute children who are mostly homeless and are known as street children many of whom are very talented but their talent goes waste.

Our country being a welfare state, it is the solemn duty of the State to take care of these underprivileged hapless street children and ensure that they must enjoy their childhood by bringing them into the national mainstream by giving them every opportunity and protection they deserve, in order to fully develop their potentials and talent.

Hence, this Bill.

RAJ KUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the establishment of Juveniles homes. Clause 6 provides for the establishment of the Underprivileged Street Children Welfare Fund with an initial corpus of rupees twenty thousand crores to be provided by the Central Government. Clause 9 makes it mandatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupee twenty thousand crore may involve as recurring expenditure per annum. A sum of rupees fifty thousand crore may also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

III

BILL NO. V OF 2015

A Bill to provide for the special provisions such as compulsory maintenance of food and potable water supplies for human consumption and fodder for livestock of the farmers, financial assistance for lost crops to farmers in drought affected areas of the country by the Union Government and for creation of water bodies like lakes, ponds, wells, rainwater harvesting, diversification of water intensive crops to low water intensive requirement crops, community afforestation programmes etc., as long term action plan for the drought prone areas of the country by the Union Government and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Drought Affected and Drought Prone Areas (Special Provisions) Act, 2015.

Short title
extend and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless, the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) “drought affected area” means any area situated in any part of the country which has got below normal rainfall in any season of a calendar year and which in the opinion of the Central Government has been affected by drought and declared, by notification in the Official Gazette, to be a drought affected area for such period as may be specified in the notification;

(c) “drought prone areas” means the areas where average rainfall is consistently below normal and also include such areas which in the opinion of the Central Government are drought prone and declared as such, by notification in the official Gazette, in consultation with the Governments of the States where such areas exist for the time being;

(d) “fodder” includes dry and green fodder generally fed to the livestock by the farmers and others;

(e) “food” includes cereals such as wheat, barley maize, jowar, bajra etc., rice, pulses, edible oils and fuel for cooking;

(f) “prescribed” means prescribed by rules made under this Act.

Compulsory maintenance of food supplies in drought affected and drought prone areas.

3. The appropriate Government shall maintain uninterrupted food supplies in drought affected and drought prone areas for the inhabitants of such areas in such manner as may be prescribed.

Maintenance of potable water.

4. The appropriate Government shall maintain adequate supply of potable water through tankers and other means as it may deem necessary and appropriate, in the areas covered under this Act for such period as may be prescribed.

Maintenance of fodder supplies.

5. The appropriate Government shall maintain adequate supplies of fodder in the area covered under this Act by procuring fodder from other areas or States, as the case may be, in such manner and for such period as may be prescribed.

Ex-gratia and financial assistance to farmers.

6. The appropriate Government shall provide ex-gratia and adequate financial assistance to farmers of the areas covered under this Act according to the estimated losses caused by withered crops and for revival of agricultural activities in such manner as may be prescribed.

Diversification of cropping pattern.

7. The Central Government shall with the help of *Krishi Vikas Kendras* and other such organisations and research centres working for the diversification of cropping system in the areas covered under this Act from water intensive crops to low water requirement crops to save the ground water and reduce the dependence on rains.

Creation of water bodies.

8. The appropriate Government shall promote the creation of traditional and other water bodies like lakes, ponds, wells, ditches, etc. for the collection of rain water in order to recharge the ground water in the areas covered under this Act.

Promotion of rainwater harvesting.

9. The Central Government shall promote rainwater harvesting in the areas covered under this Act by providing the necessary technique and equipments free of cost through the village panchayats in such manner as may be prescribed.

Afforestation programme.

10. The appropriate Government shall promote community afforestation programmes, from time to time, in the areas covered under this Act as long term action plan of such areas in such manner as may be prescribed.

11. The Central Government shall provide requisite funds, from time to time, after due appropriation made by Parliament by law in this behalf, for carrying out the purposes of this Act.

Central Government to provide funds.

12. The Central Government may give such directions to the Government of any State having areas covered under this Act within its territorial jurisdiction, as may appear it to be necessary for carrying out in the State of any of the provisions of this Act or of any rule made thereunder.

Power to give directions.

13. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Act to supplement other laws.

14. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Of late Marathwada and Vidharbha regions of Maharashtra and their adjoining areas are slowly turning into drought prone areas where truant monsoons are playing havoc very frequently. Normal rainfall has become rare in these regions of the State. Similarly, large number of areas in various parts of our vast country have either turned drought prone or have been affected by drought some time or the other playing havoc and bringing miseries to the people and their livestock in such areas. When drought conditions engulf any area, the worst sufferers are the farmers and other inhabitants, having no food to eat and water to drink for their survival, resulting in their exodus. In such areas, starvation deaths are very common. The worst sufferers are the mute livestock. Their owners leave them stray and without fodder and water ultimately resulting in their death. The farmers lose their crops and hopes. The indebted farmers do not have money to restart agricultural operations even if they want. Frustrated with dashed hopes, many of them take extreme step of committing suicides. Vidharbha region of Maharashtra has become synonymous with suicides of farmers.

It has been observed that in Maharashtra, Punjab and other parts of the country, the farmers have started growing water intensive cash crops to earn more money, resulting in decline of ground water levels to dangerous levels which makes such areas drought prone. Hence, diversification of crops from water intensive ones to crops needing very less water has become necessity of the day. Promotion of water bodies like lakes, ponds, wells ditches etc., rainwater harvesting and community afforestation programmes have become necessary for the drought affected and drought prone areas.

At the same time, it is necessary that the supply of food, potable water and fodder is maintained uninterrupted on priority so that people do not have to leave their places and their livestock is not left to die. The farmers need to be given ex-gratia and financial assistance so that they do not take extreme steps of committing suicide.

Hence this Bill.

RAJKUMAR DHOOT

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the ex-gratia and financial assistance to farmers. Clause 11 makes it mandatory for the Central Government to provide requisite funds. The Bill if enacted will involve expenditure from the Consolidated Fund of India. Though, it is not possible to quantify the amount at this juncture it is estimated that a sum of rupees thirty thousand crore may involve as recurring expenditure per annum.

Non-recurring expenditure to the tune of rupees fifty-thousand crores may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

IV**BILL NO. II OF 2015**

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title
and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2015.
- (2) It shall come into force at once.

Amendment
of article 58.

2. In article 58 of the Constitution in clause (1) for sub-clause (a), the following shall be substituted, namely:—

"(a) is a citizen of India by virtue of being born in the territory of India."

STATEMENT OF OBJECTS AND REASONS

There is natural right of citizens born in India for holding highest constitutional post of the country, as the person born and brought up in India is deeply familiar with our political system, culture and basic concept of our society. Such a provision also exists in the constitution of other countries.

Hence this Bill.

MANSUKH L. MANDAVIYA

V**BILL NO. VI OF 2015**

A Bill to provide for compulsory registration of callers using public telephone for making calls in the interest of national security and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-sixth year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Compulsory Registration of Callers using Public Telephone Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Public Call Office (PCO)" means a telephone facility located in a public place through manned or coin operated payphone;

(b) "prescribed" means prescribed by rules made under this Act.

45 of 1860
13 of 1885
21 of 2000

(c) words and expressions used but not defined in this Act but defined in the Indian Penal Code, 1860, the Indian Telegraph Act, 1885 and the Information Technology Act, 2000 shall have the same meaning as is respectively assigned to them in those Acts.

3. (1) It shall be mandatory for every PCO owner or his representative to obtain a copy of a valid identity proof from every caller using PCO services and to maintain a record of callers and numbers called upon by them in such manner as may be prescribed.

Registration
of callers
using PCOs.

Explanation.— For the purpose of this section, the expression "valid identity proof" includes—

(i) valid passport; or

(ii) voter identity card; or

(iii) Aadhar Card; or

(iv) any photo identify card issued by the State Governments or the Central Government or State or Public Sector Undertakings or Banks.

(2) Every owner of a PCO or the service provider as the case may be shall depute a person to maintain record of callers using coin operated payphone in such manner as may be prescribed.

(3) Every owner or his representatives or the service provider of a PCO shall furnish the records of the callers, as mentioned in sub-sections (1) and (2) of section 3, to Government or Intelligence Agencies or the Police Department on demand.

4. Any person who contravenes the provisions of section 3 of this Act shall be punished with fine which may extend to rupees ten lakh for the first violation and upto rupees twenty lakh for second and subsequent violation.

Penalty.

5. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law, for the time being in force regulating public call office.

Overriding
effect of the
Act.

6. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act not to be
in derogation
of any other
law.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make
rules.

STATEMENT OF OBJECTS AND REASONS

There has been a sharp increase in number of fake or hoax calls made from Public Calls Office (PCO) for spreading false information related to militancy and for threatening, abusing and sexual harassment, etc. It is a very serious security concern for our nation. This has adversely affecting the activities of police force and disrupting public services.

Several People call from PCOs, some, however, misuse the service for making false or hoax calls. When such fake calls are made from PCOs, police swings in action to locate such PCOs, but it takes some time for them to locate and reach there and anti-social elements find enough time to escape from the site of PCO, leaving police forces helpless for want of callers' details.

In order to curb false or hoax calls, it is felt that it should be made compulsory for all PCO owners to maintain a record of callers with sufficient proof of identification along with the details of number called.

Hence this Bill.

MANSUKHL. MANDAVIYA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

VI

BILL NO. XI OF 2015

A Bill to provide for the establishment of a permanent bench of the Supreme Court at Kolkata.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (*I*) This Act may be called the The Supreme Court (Establishment of a Permanent Bench at Kolkata) Bill, 2015.

Short title,
extent &
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. There shall be established a permanent bench of the Supreme Court at Kolkata with such number of Judges of the Supreme Court as the Chief Justice of India, till the National Judicial Appointments Commission comes into force, may with the approval of the President decide, to exercise jurisdiction in respect of cases arising in the States of West Bengal, Odisha, Jharkhand, Bihar, Chhattisgarh, Sikkim, Meghalaya, Assam, Nagaland, Manipur, Mizoram, Arunachal Pradesh and Tripura and such other territory as may be notified by the Central Government with the approval of the Chief Justice:

Establishment
of a
permanent
Bench of
Supreme Court
at Kolkata.

Provided that the number of judges at the bench at Kolkata shall not be less than five.

STATEMENT OF OBJECTIVES AND REASONS

The pursuit of justice before law is a costly endeavour which has been made more expensive by chronic delays. The logistical problems encountered by appellants aggravate costs and further delays. Moreover, the appellants are already burdened and are further shunned to face the ordeal of having to travel thousands of kilometres to the seat of the Supreme Court in Delhi for their trial and the consequent follow up of their cases.

Moreover, the rate of pending court cases in the country has crossed the 3 crore mark, West Bengal itself has 3.5 lakh appellants awaiting justice. Figures on the chronic backlog of court cases are an indictment of the country's beleaguered legal system. The plight of persons awaiting trial needs to be understood and addressed. It is not just the wastage of time but also an increased financial burden that makes the process inconvenient, cumbersome and expensive.

Article 130 of the Constitution of India says that the Supreme Court shall sit in Delhi or in such other place or places as the Chief Justice of India may with the approval of the President from time to time appoint. The language of the article clearly indicates that there was an intension of the founding fathers of the Constitution to have more than one seat of the Supreme Court.

Hence, the Bill seeks to establish a permanent bench of the Supreme Court at Kolkata in West Bengal. Calcutta High Court is the oldest and geographically, Kolkata is a strategic location for a permanent bench as it is easily accessible for litigants of central, eastern, south-eastern and especially north-eastern States. This will provide for a robust mechanism to not only manage pendency of court cases but simultaneously makes the judicial procedure for justice apportioned, public-friendly and efficient.

Hence, the Bill.

VIVEK GUPTA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be a permanent bench of the Supreme Court at Kolkata. The Bill, if enacted, will involve recurring expenditure from the Consolidated Fund of India to the tune of rupees ten crore per annum.

However, a non-recurring expenditure to the tune of rupees fifty crore is also likely to be involved.

VII**BILL NO. X OF 2015**

A Bill further to amend the Constitution (Scheduled Castes) order, 1950.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2015.

C.O. 19.

2. In the Constitution (Scheduled Castes) Order, 1950, for paragraph 3 the following shall be substituted:—

“3. Notwithstanding anything contained in paragraph 2, a citizen of India professing a religion of Hinduism, Sikhism, Buddhism, Christian or Islam shall be deemed to be a member of a Scheduled Caste.”

Amendment
of the
Constitution
(Scheduled
Castes) Order,
1950.

STATEMENT OF OBJECTS AND REASONS

In accordance with the provisions of clause (1) of article 341 of the Constitution, six Presidential Orders were issued specifying Scheduled Castes in respect of various States and Union territories. These Orders have been amended from time to time by Acts of Parliament enacted under clause (2) of article 341 of the Constitution.

Article 15 of the Constitution mandates that the State shall not discriminate on the basis of religion, caste creed, gender, etc. in 1950, the Scheduled Caste status was created aimed at addressing historical caste based socio-economic deprivation, however, the benefits of this Presidential Order were restricted to only those citizens professing the Hindu religion. The Presidential Order has been amended and it has been realized through the National Commission for Minorities and the Ranganath Mishra Commission that this denial of Schedule Caste status on the basis of religion is discriminatory and is a breach of the equality clause guaranteed by article 14 of the Indian Constitution and is particularly egregious as article 25 empowers every person in India to practise and profess any religion.

In order to give effect to the above changes, it is necessary to amend the Constitution (Scheduled Castes) Order, 1950.

The Bill seeks to achieve the aforesaid objectives.

HUSAIN DALWAI

SHUMSHER K. SHERIFF,
Secretary-General.